

**FILED**

**JAN 25 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-304

**JASMINE DOLLENTE MADRONA  
3502 Bering Drive  
San Bruno, CA 94066**

**ACCUSATION**

**Vocational Nurse License No. VN 231691**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about December 20, 2007, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 231691 to Jasmine Dollente Madrona (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

1 All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent  
3 part, that the Board of Vocational Nursing and Psychiatric Technicians ("Board") may discipline  
4 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 2878 of the Code states:

7 "The Board may suspend or revoke a license issued under this chapter [the Vocational  
8 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

9 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

10 ...

11 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties  
12 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
13 evidence of the conviction.

14 ..."

15 6. Section 2878.5 of the Code states:

16 "In addition to other acts constituting unprofessional conduct within the meaning of this  
17 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed  
18 under this chapter to do any of the following:

19 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
20 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
21 administer to another, any controlled substance as defined in Division 10 of the Health and Safety  
22 Code, or any dangerous drug as defined in Section 4022.

23 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,  
24 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a  
25 manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
26 extent that the use impairs his or her ability to conduct with safety to the public the practice  
27 authorized by his or her license.

1       "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous  
2 drug, or the prescription, consumption, or self-administration of any of the substances described  
3 in subdivisions (a) and (b) of this section, in which event the record of the conviction is  
4 conclusive evidence thereof.

5       "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
6 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
7 section, in which event the court order of commitment or confinement is prima facie evidence of  
8 that commitment or confinement.

9       "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
10 hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in  
11 subdivision (b)."

12       7.     Section 490 of the Code provides, in pertinent part, that a board may suspend or  
13 revoke a license on the ground that the licensee has been convicted of a crime substantially  
14 related to the qualifications, functions, or duties of the business or profession for which the  
15 license was issued.

16       8.     Section 2878.6 of the Code states:

17       "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
18 charge substantially related to the qualifications, functions and duties of a licensed vocational  
19 nurse is deemed to be a conviction within the meaning of this article. The board may order the  
20 license suspended or revoked, or may decline to issue a license, when the time for appeal has  
21 elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting  
22 probation is made suspending the imposition of sentence, irrespective of a subsequent order under  
23 the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of  
24 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
25 accusation, information or indictment."

26       9.     California Code of Regulations, title 16, section 2521, states:

27       "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5  
28 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be

1 considered to be substantially related to the qualifications, functions or duties of a licensed  
2 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed  
3 vocational nurse to perform the functions authorized by his license in a manner consistent with  
4 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
5 involving the following:

6 "(a) Procuring a license by fraud, misrepresentation, or mistake.

7 "(b) A conviction of practicing medicine without a license in violation of Chapter 5 of  
8 Division 2 of the Business and Professions Code.

9 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
10 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the  
11 Business and Professions Code.

12 "(d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether a  
13 licensed physician or not, in the performance of or arranging for a violation of any of the  
14 provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

15 "(e) Conviction of a crime involving fiscal dishonesty.

16 "(f) Any crime or act involving the sale, gift, administration, or furnishing of "narcotics or  
17 dangerous drugs or dangerous devices" as defined in Section 4022 of the Business and  
18 Professions Code."

19 10. Section 118, subdivision (b), of the Code provides that the expiration of a license  
20 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period  
21 within which the license may be renewed, restored, reissued or reinstated.

22 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
27 included in a stipulated settlement.  
28

1 FIRST CAUSE FOR DISCIPLINE

2 (CRIMINAL CONVICTIONS)

3 12. Respondent is subject to disciplinary action under sections 2878(a), 2878(f), and/or  
4 490 in that on or about October 25, 2007, in a criminal proceeding entitled *The People of the*  
5 *State of California v. Jasmine Dollente Madrona* in Los Angeles County Superior Court, Case  
6 Number 7LT01004, Respondent was convicted by her plea of nolo contendere of violating  
7 Vehicle Code section 23103 (reckless driving). Respondent was sentenced to probation for three  
8 years, and ordered to pay a fine in the amount of \$1,261.00. The circumstances of the conviction  
9 were that on or about May 19, 2007, Respondent was arrested at the Bellflower offramp of the  
10 405 freeway in Long Beach, California. She failed field sobriety tests and her blood alcohol level  
11 was .10% and .11%.

12 13. Respondent is subject to disciplinary action under sections 2878(a), 2878(f), and/or  
13 490 in that on or about December 1, 2010, in a criminal proceeding entitled *The People of the*  
14 *State of California v. Jasmine Dollente Madrona* in San Mateo County Superior Court, Case  
15 Number SM371579A, Respondent was convicted by her plea of nolo contendere of violating  
16 Vehicle Code section 23152(b) (driving with .08% or more blood alcohol). Respondent was  
17 sentenced to serve two days jail time and probation for three years, and ordered to pay a fine in  
18 the amount of \$1,641.00. The circumstances of the conviction were that on or about July 18,  
19 2010, Respondent was arrested at the intersection of Woodside Road and Alameda De Las Pulgas  
20 in Menlo Park, California. Her vehicle was stopped in the left turn lane, and she had fallen  
21 asleep. Respondent failed field sobriety tests, and her blood alcohol was .13% and .12%.

22 SECOND CAUSE FOR DISCIPLINE

23 (ALCOHOL-RELATED CONVICTIONS)

24 14. Respondent is subject to disciplinary action under section 2878.5(c) in that she  
25 suffered alcohol-related convictions as alleged above in paragraphs 12 and 13.

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THIRD CAUSE FOR DISCIPLINE

(USING ALCOHOL IN A MANNER DANGEROUS TO SELF OR OTHERS)

15. Respondent is subject to disciplinary action under section 2878.5(b) in that she used alcohol in a manner dangerous to herself and others as alleged above in paragraphs 12 and 13.

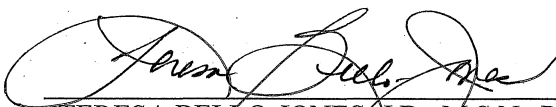
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 231691, issued to Jasmine Dollente Madrona;
2. Ordering Jasmine Dollente Madrona to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

JAN 25 2013

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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